

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SBARRO INC.,

v.

EMAND KARYKOUS and
SAID KIRIEAKES.

Civ. A. No. 05-2226

OPINION AND ORDER

This matter having come before the Court upon the filing of Defendant's Notice of Removal from the Supreme Court for the State of New York, County of Suffolk and the Plaintiff's letter to the Court dated May 3, 2005, stating objections to the removal; and

IT APPEARING that the District of New Jersey lacks removal jurisdiction for this action, as this Court is not the district court for the district and division embracing the place where the state court action is pending, as required by 28 U.S.C. § 1441(a);¹

ON THIS 6th day of May, 2005;

IT IS, therefore, ORDERED that this matter be remanded to the Supreme Court for the State of New York, County of Suffolk.

_____/s_____
Stanley R. Chesler, U.S.D.J.

¹ 28 U.S.C. § 1441 ("Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.").